

Message Text

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ORIGIN SCSE-00

INFO OCT-01 EA-10 ISO-00 VOE-00 SCA-01 /012 R

DRAFTED BY SCA;SCS;RJBOYLAN;ESN

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SCA/VO/FO -- DCASTEEL (PHONE)

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P 271613Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL PRIORITY

UNCLAS STATE 151861

E.O. 11652: N/A

TAGS: CGEN: (DOSSIE, KENWOOD)

SUBJECT: REFUSAL OF NOTARIAL SERVICE

REF: SEOUL 4573

1. DEPARTMENT APPRECIATES THE SEVERE DIFFICULTIES WHICH CONFRONT THE POST IN ITS EFFORTS TO CARRY OUT THE PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT. HOWEVER, IN ENFORCING ONE LAW, THE POST MAY NOT DISREGARD OTHER ACTS OF CONGRESS, SPECIFICALLY, 22 U.S.C. 1195 WHICH REQUIRES EVERY CONSULAR OFFICER OF THE UNITED STATES TO TAKE FROM ANY PERSON ANY OATH WHENEVER APPLICATION IS MADE TO HIM THEREFOR.

2. TO THIS UNEQUIVOCAL LEGISLATIVE COMMAND, THE DEPARTMENT RECOGNIZES ONLY TWO EXCEPTIONS, WHICH ARE SET OUT IN 7 FAM 821.2. THE FIRST IS THAT IN WHICH THE PERFORMANCE OF A NOTARIAL ACT IS EXPRESSLY PROHIBITED BY U.S. OR LOCAL LAW. THE SECOND IS THAT IN WHICH THE OFFICER HAS REASON-

ABLE GROUNDS FOR BELIEVING THAT THE DOCUMENT WHICH HE HAS BEEN ASKED TO NOTARIZE WILL BE USED FOR A PURPOSE PATENTLY UNLAWFUL, IMPROPER OR INIMICAL TO THE BEST INTERESTS OF THE UNCLASSIFIED

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UNITED STATES.

3. SGT. DOSSIE'S MARRIAGE TO MISS SONG MAY BE CONSIDERED BY THE CONSULAR OFFICER TO BE INIMICAL TO THE BEST

INTERESTS OF THE UNITED STATES, BUT UNLESS THE OFFICER CAN SUBSTANTIATE THIS SUSPICION WITH MORE PROBATIVE EVIDENCE THAN AN ALLEGATION OF SOME UNSPECIFIED SIMILARITY BETWEEN THIS CASE AND OTHER FRAUDULENT MARRIAGES, THERE IS INSUFFICIENT BASIS FOR REFUSING TO PERFORM A NOTARIAL ACT. IN ANY CASE, 7 FAM 821.2-2 REQUIRES THAT THE DEPT. BE INFORMED OF EVERY INSTANCE IN WHICH A CONSULAR OFFICER REFUSES TO PERFORM A NOTARIAL ACT ON THE GROUNDS THAT IT IS CONTRARY TO THE BEST INTERESTS OF THE U.S.

4. SGT. DOSSIE ADVISES THE DEPARTMENT THAT HE WILL AGAIN TRAVEL TO KOREA FOR THE PURPOSE OF MARRYING MISS SONG. THE DEPARTMENT (SCS AND VO) EXPECTS THAT THE EMBASSY WILL PERFORM ANY NOTARIAL SERVICES WHICH SGT. DOSSIE MAY REQUIRE IN CONNECTION WITH HIS MARRIAGE. THE DEPARTMENT FURTHER EXPECTS THAT IT WILL BE NOTIFIED OF EVERY INSTANCE IN WHICH THE EMBASSY REFUSES TO PERFORM A NOTARIAL ACT UNDER 7 FAM 821.2-2. KISSINGER

UNCLASSIFIED

<< END OF DOCUMENT >>

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